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PROSKAUER ROSE
1585 Broadway
New York, NY 10036

In re Application of
KLOWER et al
Application No.: 09/355,422
PCT No.: PCT/EP97/06592
Int. Filing Date: 26 October 1997
Priority Date: 29 January 1997
Attorney Docket No.: 29462-025
For: AUSTENITIC NICKEL-CHROMIUM-
MOLYBDENUM-SILICON ALLOY WITH HIGH
CORROSION RESISTANCE TO HOT
CHLORIDE-CONTAINING GASES AND
CHLORIDE

NOTIFICATION

This Notification is in response to the submission filed by applicants on 26 March 2001.

BACKGROUND

On 26 November 1997, applicants filed international application PCT/EP97/06592 which claimed a priority date of 29 January 1997. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 July 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 June 1998, prior to nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 July 1999.

On 28 July 1999, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the basic national fee; preliminary amendment; and a declaration. The transmittal letter was also accompanied by what is listed as "[a] copy of the originally filed international application (in German and English)"; "[a] copy of the international application as published (in German and English)"; "[a] copy of the substitute pages (in German) of the application"; and "[a] translation into English of substitute pages of the application."

On 20 August 1999, the United States Designated/Elected Office mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) which accorded the above-identified application

35 USC 102(e) and 371(c) dates of 28 July 1999.

On 23 October 2000, in an amendment filed in response to an Office Action mailed 20 April 2000, applicants submitted a "Substitute Translation of the International Application, including the Amendments of April 1, 1999 made during the International Phase". The Remarks section of the 23 October 2000 response states that: "It appears that a page from the Verified Translation on July 28, 1999, may have been inadvertently excluded. It appears that the translation of page 7 of the German language application was inadvertently excluded."

On 09 January 2001, the USPTO mailed a Notification vacating the NOTIFICATION OF ACCEPTANCE mailed 20 August 1999 because a translation of the international application as filed had not yet been provided. This Notification also indicated, *inter alia*, that a translation of the international application as filed into English and the processing fee of \$130 under 37 CFR 1.492(f) for submitting a translation of the application later than thirty months from the priority date were required. A one month extendable period for reply was set for these items.

On 26 March 2001, applicants filed the instant submission which was accompanied by, *inter alia*, a petition/fee for a two month extension of time, a translation of the international application into English, the surcharge under 37 CFR 1.492(f), and a substitute specification (including a "marked-up" version and a "clean" version").

DISCUSSION

The translation of the international application into English filed 26 March 2001 appears to be sufficient. Accordingly, the requirements of 35 U.S.C. 371(c) were met as of that date.

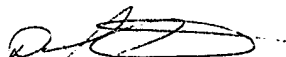
The substitute specification filed 26 March 2001 will not be entered because it does not conform to 37 CFR 1.125(b) because the statement as to a lack of new matter under 37 CFR 1.125(b) is missing.

CONCLUSION

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparation and mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form

PCT/DO/EO/903) according the application a 35 U.S.C. 371(c) date of 26 March 2001. The application will then be forwarded to the examiner in Technology Center 1700 for continued prosecution.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459